

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 551 of 1993

Hon'ble MR.JUSTICE Y.B.BHATT

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DEPUTY ENGINEER

Versus

MUGAT DYING AND PRINTING MILLS

Appearance:

MR RC JANI for appellant

MR SB VAKIL for Respondent.

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 13/11/98

ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties. As a result of the hearing and discussion a consensus was arrived at between the learned counsel to the effect that this Court may permit the impugned order to continue till the disposal of the suit, subject to the condition that the respondent-plaintiff shall make payment of a specified sum to the defendant-Board before a specified date, and that the amount to be paid and the

period during which it is to be paid is specifically left to the discretion of this Court.

2. Looking to the facts and circumstances of the case and the relevant submissions made in this limited context, it is directed that the impugned order shall continue to have effect till the disposal of the suit, subject to the condition that the respondent plaintiff shall make payment to the defendant Board of a sum of 25% of the disputed bill latest by 31st March 1999. There shall be no extension in respect of this period.

3. The trial court is directed to hear and dispose of the pending suit as expeditiously as possible and in any case not later than 30th June 1999. It is further clarified that if the specified payment is not made by the specified date, by effect of the present order, the order passed by the trial court and impugned in the present appeal shall stand vacated ipso facto.

4. In view of the directions given hereinabove this appeal is not pressed any further and is accordingly disposed of with no order as to costs.

5. The Registry is directed to send Yadi to the trial court forthwith i.e. not later than 20th November 1998. Direct service is also permitted.
